

FAMILY COURT CASES

1

HOW TO FILE A PETITION TO ENFORCE A CHILD CUSTODY DETERMINATION

**(To Have Your Child Who is Illegally Withheld From
You Returned to You)**

(Forms Packet)



SELF-SERVICE CENTER

PETITION TO ENFORCE A CHILD CUSTODY DETERMINATION (Forms Only)

How to assemble these documents:

This packet contains court forms to file a ***“Petition to Enforce a Child Custody Determination”*** in a Family Court case. Be sure the documents are in the following order:

Order	File Number	Title	No. pp.
1	DREHC1ft	Table of forms in this packet	1
2	DREHC1k	Checklist to file	1
3	DRFC10f	<i>“Family Court Cover Sheet”</i>	2
4	DREHC11f	<i>“Petition to Enforce a Child Custody Determination”</i>	3
5	DREHC82f	<i>“Order for Appearance of Person(s) with Physical Custody of the Child(ren)”</i>	1

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SELF-SERVICE CENTER

PETITION TO ENFORCE A CHILD CUSTODY DETERMINATION (to have your child, who is being illegally withheld from you, returned to you)

CHECKLIST

Use the forms and instruction in this packet only if the following factors apply to your situation:

- ✓ You have a current child custody order from this State (Arizona) or from any other state that says you are entitled to the custody of the minor child(ren) OR you have talked to a lawyer who has told you to file a ***"Petition to Enforce a Child Custody Determination"***.

AND

- ✓ The child(ren) is/are presently in the physical custody of the other party without your consent and without lawful authority and the other party has failed to return the child(ren) to you

AND

- ✓ The child(ren) is/are currently, or will be, in the State of Arizona and you know how to find or locate the child(ren).

READ ME: Before filing documents with the Court, consult a **lawyer** to help guard against undesired and unexpected consequences. The Self-Service Center has a list of lawyers who can give you legal advice and who can help you on a task-by-task basis for a fee, and a list of court-approved mediators as well. You may view the lists at the Self-Service Centers or from our web site at: <http://www.superiorcourt.maricopa.gov/ssc/provider/lawyers.asp>

Superior Court of Arizona
Maricopa County
Family Court Cover Sheet

For Use *WITH* Minor Children

Check only one:

- ☐ **Dissolution (Divorce)**
☐ **Legal Separation**
☐ **Annulment**
☐ **Order of Protection**
☐ **Paternity**
☐* **Custody/Visitation**
☐* **Child Support**
☐ **Other** _____

* Check only if no other category applies

**Case Number (Clerk will stamp
case # when documents are filed)**

ATLAS number(s): (if applicable)

Instructions:

- You must provide the following information about yourself and the other party.
- Type or print neatly in black ink.
- If more room is needed for children or Petitioner/Respondent, please attach a separate page.

Information About the Petitioner:

Name: _____

Address: _____

City, State, Zip: _____

Home phone #: (____) _____

Work phone number: (____) _____

Cell phone/pager: (____) _____

Date of Birth: _____

Social Security _____

E-mail address: _____

Information About the Respondent:

Name: _____

Address: _____

City, State, Zip: _____

Home phone #: (____) _____

Work phone number: (____) _____

Cell phone/pager: (____) _____

Date of Birth: _____

Social Security#: _____

E-mail address: _____

Lawyer's Name and Bar Number: _____
(Provide this information only if YOU have an attorney)

Names, Dates of Birth, and Social Security Numbers for Minor Children Involved:		
Name:	DOB:	SSN:
Name:	DOB:	SSN:
Name:	DOB:	SSN:
Name:	DOB:	SSN:

Names and D/O/B's of any OTHER minor children of the petitioner and/or the respondent, who are NOT involved in this case: _____

Have there been any other cases (EXCLUDING minor traffic offenses) in any court involving members of this family? Yes No. If yes, please describe, and provide case numbers if known: _____

Domestic Violence Section

Is anyone mentioned on this cover sheet currently a victim of any family or domestic violence?

☐ Yes ☐ No

Has anyone listed on this cover sheet been the plaintiff, defendant, or named in a petition for an Order of Protection? ☐ Yes ☐ No

If Yes, please identify:

Was the Order of Protection granted by the Maricopa County Superior Court?

☐ Yes ☐ No

If No, in what court was the Order of Protection granted? _____

Children's Issues Section

Are any of the children named above in any physical danger due to abuse or neglect?

☐ Yes ☐ No

Has anyone named on this sheet had any involvement with Child Protective Services in Arizona?

☐ Yes ☐ No

If Yes, please provide the CPS or Juvenile Court case number: _____

INTERPRETER: Is an interpreter needed for either of the parties? If so, please check the appropriate boxes below. **NOTE: THIS IS NOT A REQUEST FOR AN INTERPRETER, THIS INFORMATION IS TO BE USED FOR INTERNAL PURPOSES ONLY.**

☐ Petitioner ☐ Respondent Language: ☐ Spanish ☐ Other _____

LOCATION (Check the Superior Court location where you are filing these documents):

☐ Downtown Phoenix (201 W. Jefferson St.) ☐ Northeast Phoenix (18380 N. 40th St.)

☐ Southeast Regional (222 E. Javelina, Mesa) ☐ Northwest Regional (14284 W. Tierra Buena, Surprise)

Name of Person Filing: (A) _____
 Address of Person Filing: _____
 City, State, Zip Code: _____
 Phone Number: _____
 ATLAS Number (if applicable) _____
 Attorney Bar Number (if applicable) _____
 Representing: ☐ Self, Without an Attorney
 Attorney for ☐ Petitioner ☐ Respondent

SUPERIOR COURT OF ARIZONA MARICOPA COUNTY

_____(B) CASE NUMBER _____(C)
 Name of Petitioner

_____(D)
 Name of Respondent

PETITION TO ENFORCE CHILD CUSTODY DETERMINATION (A.R.S. 25-1058)

STATEMENTS MADE TO THE COURT UNDER OATH:

1. INFORMATION ABOUT ME, THE APPLICANT:

Name: _____
 Address: _____
 Relationship to child(ren): I am ☐ Mother ☐ Father ☐ Other _____

2. INFORMATION ABOUT THE OTHER PARTY WHO HAS YOUR CHILD:

Name: _____
 Address: _____
 Relationship to child(ren): He/she is ☐ Mother ☐ Father ☐ Other _____

3. INFORMATION ABOUT THE CHILD(REN) UNDER THE AGE OF 18 YEARS ABOUT WHOM THIS PETITION IS FILED:

Child's Name: _____
 Date of Birth: _____ Age: _____
 Location of Child right now (address): _____

Child's Name: _____
 Date of Birth: _____ Age: _____
 Location of Child right now (address): _____

(If there are additional children, provide that information on a separate piece of paper)

4. INFORMATION ABOUT CURRENT CUSTODY SITUTATION (check one box):

A. ☐ CUSTODY ORDER ENTERED

Date of Order: _____
 Location of Court issuing order (city & state) _____
 Name of Judge who signed Order/Decree: _____
 According to the Order/Decree, who was awarded custody? _____

A Certified Copy of the Order/Decree is attached to the “Petition to Enforce a Child Custody Determination”

B. ☐ NO CUSTODY ORDER, BUT I HAVE SPOKEN WITH AN ATTORNEY WHO HAS TOLD ME TO FILE THESE PAPERS FOR THE FOLLOWING REASONS:

5. PENDING COURT CASES REGARDING CUSTODY/PARENTING TIME (formerly known as “Visitation”) RELATED TO THE CHILD(REN). (Check one box):

☐ I do ☐ I do NOT have information regarding a custody/parenting time court case relating to any of the children that is pending in this state or in any other state. (If so, explain here, if not, go on to next question)

Name(s) of child(ren): _____

Name(s) of court(s): _____

Location(s) of court(s): _____

Court case number(s): _____

Current status of case(s): _____

How is/are the child(ren) involved?: _____

Summary of court order(s): _____

6. REGISTRATION OF CUSTODY ORDER FROM ANOTHER STATE (A.R.S. 25-1055) (If applicable)

There ☐ is ☐ is not a custody order from another state that has been issued about the child(ren) listed above. (If there is a custody order from another state, please complete the information below.)

The out-of-state order ☐ has ☐ has not been registered in Arizona. (Complete the information below if the order has been registered in Arizona.)

The name of the court in Arizona where the custody order is registered is:

The case was registered in Arizona on: _____
(date of registration)

7. WHY YOU NEED THE COURT TO ISSUE AN ORDER DIRECTING THE PERSON(S) WITH PHYSICAL CUSTODY OF THE CHILD(REN) TO APPEAR IN COURT (A.R.S. 25-1040):

The child(ren) is/are presently in the physical custody of _____ without my consent and without lawful authority and he/she has failed to return the child(ren) to me.

8. WHY YOU NEED THE COURT TO ISSUE A WARRANT TO TAKE PHYSICAL CUSTODY OF CHILD(REN) (A.R.S. 25-1061):

The child(ren) is/are immediately likely to suffer serious physical injury OR be removed from the State of Arizona. Explain to the Judge how the child(ren) is/are in immediate danger and will suffer harm or why you think the person who has the child(ren) will flee with the child(ren) if an order is not entered today.

RELIEF REQUESTED: (Check any that you wish to request)

- ☐ That an ***“Order for Appearance of Person(s) With Physical Custody of the Child(ren)”*** be issued and directed to the other party (the party holding the child(ren), commanding him/her to produce the child(ren) before this Court at the time and place stated in that Order.
- ☐ That a ***“Warrant to Take Physical Custody of Child(ren)”*** be granted by this Court, directed to the Sheriff of Maricopa County, commanding the Sheriff that the minor child(ren) shall be picked up immediately and delivered to me or turned over to the Court or to Child Protective Services prior to the hearing AND/OR if the Court deems necessary that the person who has illegally detained and/or restrained the children be picked up and arrested pursuant to A.R.S. 25-1061 and brought before the Court.
- ☐ For the Court to grant the relief in the ***“Petition to Enforce a Child Custody Determination”***, and
 I. That the child(ren) be immediately delivered to my custody; and,
 II. For any other order that is in the best interest of the minor child(ren); and,
 III. That the court award the Applicant all costs, including but not limited to, necessary travel expenses, investigator's fees and other costs and fees incurred in this matter.

OATH AND VERIFICATION

STATE OF ARIZONA)
County of Maricopa) ss

I, being duly sworn and under oath, state that I am the Applicant in the above entitled matter. I have read the Petition and all the statements are true and complete to the best of my knowledge and belief. I am not filing this Petition to harass or to cause unnecessary delay or to increase the cost of litigation. I understand that if the judge finds that I filed this Petition for an improper purpose, the judge may make an “Order of Contempt” or other sanctions against me, including all reasonable costs, attorney fees, or other expenses caused by my filing of this petition.

SIGNED: _____
 (Signature of Applicant)

SUBSCRIBED AND SWORN TO before me this date: _____
 (Month, date, year)

My Commission expires:

 Notary Public

**SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY**

_____(B)
Name of Petitioner

CASE NUMBER _____(C)

**ORDER FOR APPEARANCE OF
PERSON(S) WITH PHYSICAL
CUSTODY OF THE CHILD(REN)
(A.R.S. 25-1040)**

_____(D)
Name of Respondent

THE COURT ORDERS THAT:

(name(s) of person(s) charged with illegal detention of child(ren))

1. Appear before the Honorable _____,
Judge of the Superior Court of Maricopa County, Family Court Division, located at:
☐ 201 West Jefferson Street, Phoenix OR ☐ 18380 North 40th Street, Phoenix
☐ 14264 West Tierra Buena Lane, Surprise OR ☐ 222 East Javelina, Mesa, Arizona

on _____(month/date/year)

at _____ o'clock ☐ a.m OR ☐ p.m.

for _____ minutes

to show cause why you have restrained and detained the minor child(ren) and why the relief requested in the **"Petition to Enforce a Child Custody Determination"** should not be granted.

2. Produce the minor child(ren) _____
at the time and location stated above for the hearing unless the child(ren) are in the custody of the Arizona Department of Economic Security or the Child Protective Services. The CPS shall then produce the child(ren) at the time and place stated above for the scheduled hearing.
3. If you fail to appear or fail to produce the child(ren) at the above scheduled hearing, a Civil Arrest Warrant may be issued for your arrest.

Done in Open Court: _____

JUDGE OF THE SUPERIOR COURT